

96-45

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

DOCKET FILE COPY ORIGINAL  
3060-0589  
Page 1 of 2

(1) LOCK BOX # <b>358140</b>		<b>FCC/MELLON</b>		<b>JUN 29 2007</b>		SPECIAL USE ONLY	
						FCC USE ONLY	
SECTION A - PAYER INFORMATION							
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) <b>Qwest Corporation</b>				(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) <b>\$7,365.00</b>			
(4) STREET ADDRESS LINE NO. 1 <b>10th Floor</b>							
(5) STREET ADDRESS LINE NO. 2 <b>1801 California Street</b>							
(6) CITY <b>Denver</b>				(7) STATE <b>CO</b>		(8) ZIP CODE <b>80202</b>	
(9) DAYTIME TELEPHONE NUMBER (include area code) <b>303-383-6594</b>				(10) COUNTRY CODE (if not in U.S.A.)			
FCC REGISTRATION NUMBER (FRN) REQUIRED							
(11) PAYER (FRN) <b>0003746757</b>				(12) FCC USE ONLY			
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET							
(13) APPLICANT NAME <b>Qwest Corporation</b>							
(14) STREET ADDRESS LINE NO. 1 <b>10th Floor</b>							
(15) STREET ADDRESS LINE NO. 2 <b>1801 California Street</b>							
(16) CITY <b>Denver</b>				(17) STATE <b>CO</b>		(18) ZIP CODE <b>80202</b>	
(19) DAYTIME TELEPHONE NUMBER (include area code) <b>303-383-6594</b>				(20) COUNTRY CODE (if not in U.S.A.)			
FCC REGISTRATION NUMBER (FRN) REQUIRED							
(21) APPLICANT (FRN) <b>0003746757</b>				(22) FCC USE ONLY			
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET							
(23A) CALL SIGN/OTHER ID		(24A) PAYMENT TYPE CODE <b>BEA</b>		(25A) QUANTITY <b>1</b>			
(26A) FEE DUE FOR (PTC) <b>\$7,365.00</b>		(27A) TOTAL FEE <b>\$7,365.00</b>		FCC USE ONLY			
(28A) FCC CODE 1		(29A) FCC CODE 2					
(23B) CALL SIGN/OTHER ID		(24B) PAYMENT TYPE CODE		(25B) QUANTITY			
(26B) FEE DUE FOR (PTC)		(27B) TOTAL FEE		FCC USE ONLY			
(28B) FCC CODE 1		(29B) FCC CODE 2					
SECTION D - CERTIFICATION							
CERTIFICATION STATEMENT I, <b>Ross D'Amo</b> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.							
SIGNATURE <b>Ross D'Amo</b>				DATE <b>06/20/07</b>			
SECTION E - CREDIT CARD PAYMENT INFORMATION							
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____							
ACCOUNT NUMBER _____				EXPIRATION DATE _____			
I hereby authorize the FCC to charge my credit card for the service(s) authorization herein described.							
SIGNATURE _____				DATE _____			

SEE PUBLIC BURDEN ON REVERSE

FCC FORM 159

FEBRUARY 2003 (REVISED)

No. of Copies rec'd **2**  
List ABCDE

Note: Fee paid via enclosed check.



96-45

Qwest  
1801 California Street, 10<sup>th</sup> Floor  
Denver, Colorado 80202  
Phone 303-383-6653  
Facsimile 303-896-1107

Daphne E. Butler  
Senior Attorney

June 28, 2007

VIA UPS

Federal Communications Commission  
% Mellon Bank  
Four Mellon Bank Center  
Room A154-635  
500 Ross Street  
Pittsburgh, PA 15219

Attn: Wholesale Lockbox Shift Supervisor  
P.O. Box 358140

CC Docket No. 96-45

Re: Qwest Corporation and Beaver Creek Cooperative Telephone  
Company Joint Petition for Expedited Waiver

In connection with Lockbox number 358140, enclosed with this letter for filing with the Federal Communications Commission is Qwest Corporation's and Beaver Creek Cooperative Telephone Company's Joint Petition for Expedited Waiver. Also included is a completed Remittance Advice FCC Form 159; this form includes a check to cover the petition processing fee (\$7,365.00) associated with this submission. See, 47 C.F.R. § 1.1105(4)(b). Finally, enclosed is an extra copy of the first page of the Petition, which has been marked "copy," which is expressly provided to be stamped as received and returned to the undersigned in the enclosed stamped, self-addressed envelope.

Thank you for your assistance with this matter, and please do not hesitate to call me at the above telephone number should there be any questions concerning this correspondence.

Sincerely,

Daphne E. Butler

Enclosures

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Beaver Creek Cooperative	)	CC Docket No. 96-45
Telephone Company	)	
	)	
and	)	
	)	
Qwest Corporation	)	
	)	
Joint Petition for Waiver of the Definition of	)	
"Study Area" of the Appendix-Glossary of	)	
Part 36 of the Commission's Rules	)	

To: Chief, Wireline Competition Bureau

**JOINT PETITION FOR EXPEDITED WAIVER**

Pursuant to Section 1.3 of the Federal Communications Commission's ("FCC" or "Commission") Rules,<sup>1</sup> Beaver Creek Cooperative Telephone Company ("BCT") and Qwest Corporation ("Qwest") (together, "Petitioners"), by and through their counsel, request a waiver of the definition of "study area" contained in the Appendix-Glossary of Part 36 of the Commission's Rules.

Petitioners request this waiver to recognize BCT's service within the area known as the Fairway Downs Subdivision and surrounding environs (for convenience, referred to herein as "Fairway Downs") within the geographic area outside of Oregon City, Oregon. This area was originally within Qwest's Oregon study area and Petitioners request that the territory be removed

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<sup>1</sup> 47 C.F.R. § 1.3.

from Qwest's study area in Oregon and recognized as part of BCT's Oregon study area.

*Exhibit 1, attached hereto, identifies the area to be served by BCT.<sup>2</sup>*

Petitioners request that this Petition be reviewed and approved expeditiously. On February 22, 2007, Qwest filed to discontinue providing service in Fairway Downs.<sup>3</sup> The Commission issued a Public Notice on March 23, 2007, seeking comment on Qwest's application.<sup>4</sup> In accordance with Section 63.71(c) of the Commission's rules, Qwest's application was deemed to be automatically granted on the sixtieth (60th) day after the release date of the Public Notice.

### INTRODUCTION

Qwest is the largest incumbent local exchange carrier ("ILEC") in Oregon. It is a price cap carrier, and, as of December 31, 2006, it owns and operates 949,044 retail access lines in 62 exchanges throughout Oregon. That study area is referred to by the Universal Service Administrative Company ("USAC") as study area code 535163. Qwest will continue to provide local telephone service within the other Oregon areas it serves and will retain its study area for those exchanges.

BCT is a telecommunications cooperative providing service within the Beaver Creek exchange in the State of Oregon. It has a study area which is referred to by the USAC as study area code 532359. BCT serves 4,398 access lines in that study area as of May 1, 2007. BCT is classified as a rural telephone company and is an eligible telecommunications carrier under the Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the "Act").

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<sup>2</sup> And see Exhibit 2 attached hereto, OPUC Docket No. UA 55, Order No. 97-297 at Appendix A, pp. 1-3.

<sup>3</sup> Qwest Corporation Section 63.71 Application, filed Feb. 22, 2007, Amendment to Section 63.71 Application, filed Mar. 14, 2007.

<sup>4</sup> Public Notice, WC Docket No. 07-34, DA 07-1399, 22 FCC Rcd 5479 (2007).

BCT receives federal Universal Service Fund ("USF") support as a "cost company," not a "price cap company."

As will be discussed below in more detail, the factors that the Commission requires for a study area waiver are, or will be, all present in this case: (1) the public interest will be served by approving the waiver; (2) the Oregon Public Utility Commission ("OPUC") supports the transfer of territory; and (3) the inclusion of the Fairway Downs area within the BCT study area will not adversely impact the USF. Thus, the facts and circumstances supporting approval are similar in material respects to those involved in waiver requests that have been approved recently.<sup>5</sup>

#### **WAIVER OF THE FROZEN STUDY AREA DEFINITION IS WARRANTED**

Petitioners seek a waiver of the frozen study area definition. Part 36 of the Commission's Rules "freezes" the definition of "study area" to the boundaries that were in existence on November 15, 1984. Although the rule was adopted to prevent a carrier from segregating territories artificially to maximize high-cost support,<sup>6</sup> the Commission has recognized that changes "that result from the purchase or sale of exchanges in arms-length transactions" do not necessarily raise the concerns which prompted the freeze.<sup>7</sup>

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<sup>5</sup> See, e.g., *In the Matter of Dickey Rural Telephone Cooperative, et al. And Citizens Telecommunications Company of North Dakota, Joint Petition for Waiver of the Definition of "Study Area" Contained in the Part 36, Appendix-Glossary of the Commission's Rules, Petition for Waiver of Sections 61.41(c) and (d), 69.3(e)(11) and 69.605(c), Order, 17 FCC Rcd 16881 (Wir. Comp. Bur. 2002); In the Matter of Petition for Waivers Filed by Baltic Telecom Cooperative, Inc., et al., Concerning Sections 69.3(e)(11), 69.3(i)(4), 69.605(c) and the Definition of "Study Area" Contained in the Part 36 Appendix-Glossary of the Commission's Rules, Memorandum Opinion and Order, 12 FCC Rcd 2433 (Acc. Aud. Div. 1997).*

<sup>6</sup> See *MTS and WATS Market Structure, Amendment of Part 67 of the Rules and Establishment of a Joint Board, Recommended Decision & Order, 57 RR 2d 267 ¶ 65 (1984).*

<sup>7</sup> See, e.g., *In the Matter of Alltel Corporation Petition for Waiver of Section 36.125(f), Sections 36.154(e)(1) and (2), and the Definition of "Study Area" Contained in Part 36, Appendix-Glossary of the Commission's Rules, Memorandum Opinion and Order, 5 FCC Rcd 7505 ¶ 7 (Com. Car. Bur. 1990).*

The Commission has recognized that failure to waive the rule in the case of the sale of exchanges would produce an absurd result, forcing the seller to continue to include exchanges in its study area for which it has no costs, and preventing the buyer from including in its study area exchanges it actually serves.<sup>8</sup> Such a result would not serve the Commission's policy objective of ensuring that carriers' actual costs are reflected in their accounting so that they can accurately set just, reasonable, and non-discriminatory rates. In this case, the area to be transferred was transferred without compensation to Qwest since the companies believed it was an unserved area where the party desiring to develop the area preferred BCT's service. Qwest does not draw USF support for the Fairway Downs area or the remaining Qwest exchanges in its study area. The waiver sought herein will conform the Commission's policy objectives to the operational facts on the ground.

**A. Granting the Waiver Is in the Public Interest.**

BCT is a rural telephone company providing service to what is a largely residential and farming community outside of Oregon City, Oregon. Fairway Downs was a proposed subdivision in the very southern portion of the Oregon City exchange served by Qwest. Since Qwest did not have facilities in the area and the developer of the property preferred BCT's service, it was proposed that Fairway Downs be transferred from Qwest to BCT. This matter was presented to the OPUC in Docket No. UA 55.<sup>9</sup> In reviewing the application, Staff of the OPUC suggested that additional territory be included so that Fairway Downs would not be an island within the Qwest Oregon City exchange. Qwest represented to the OPUC that it had no customers in the area Staff proposed to transfer. As a result, Qwest and BCT accepted OPUC

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<sup>8</sup> *In the Matter of Amendment to Part 36 of the Commission's Rules and Establishment of a Joint Board*, Notice of Proposed Rulemaking, 5 FCC Rcd 5974, 5975-76 ¶ 17, 5976 ¶ 19 (1990).

<sup>9</sup> See Exhibit 2.

Staff's suggestion and additional territory was included in the transfer. The transfer was approved in 1997.<sup>10</sup>

Some time later, it became apparent that Qwest had a number of customers within the transferred area. The OPUC reopened Docket No. UA 55 to determine whether the area should be transferred back to Qwest or should remain with BCT. After a full evidentiary hearing, the OPUC concluded that BCT had made substantial investment in the area, including bringing broadband access to customers, and that the public interest would be best served by the area being served by BCT as the ILEC with carrier of last resort obligations.<sup>11</sup> Qwest was given the opportunity for a transition period, but after April of 2007, could only serve the area as a competitive carrier. Qwest has determined to cease serving customers in the area.

No facilities are to be transferred from Qwest to BCT. BCT has built facilities throughout the area. Allowing this area to be in the BCT study area will mean that state-of-the-art service options will continue to be available to subscribers, including, not only basic services, but broadband access.

At the time that Fairway Downs was originally transferred to BCT, BCT served no customers in the area. There are currently 314 customers (access lines) served by BCT in the Fairway Downs area.

**B. The OPUC Supports the Transfer of Territory.**

As noted above, the OPUC supports the service area inclusion for BCT by finding, not once, but twice, that it is in the public interest for BCT to serve the area. Qwest has filed and the

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<sup>10</sup> *Id.*

<sup>11</sup> OPUC Docket No. UA 55 (Reopened), Order No. 04-225.

OPUC has approved amendments to Qwest's exchange maps to remove the Fairway Downs area from the Qwest service area.<sup>12</sup>

**C. The Change in Study Area Boundaries Will Not Adversely Affect the Universal Service Fund.**

To evaluate whether a study area boundary change adversely impacts the USF, the Commission analyzes whether a study area waiver will result in an annual aggregate shift in high-cost support in an amount greater than one percent of the total high-cost support fund for the year.<sup>13</sup> The transfer of the Fairway Downs area to BCT has not produced an adverse impact on the USF.

At the time service began to the Fairway Downs area, BCT served no customers in that area and received no USF support for that area. In 2006, BCT had, on average, approximately 314 working loops in that area and received USF support for those working loops in the amount of \$145,731. Given that USAC's most recent projections show annual high-cost support exceeding \$4,264,400,000,<sup>14</sup> this transaction is a non-event for purposes of the USF.

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<sup>12</sup> OPUC Docket No. UA 95; Order No. 02-567.

<sup>13</sup> See, e.g., *In the Matter of US West Communications, Inc. and Eagle Telecommunications, Inc., Joint Petition for Waiver of the Definition of "Study Area" Contained in Part 36, Appendix-Glossary of the Commission's Rules*, Memorandum Opinion and Order, 10 FCC Rcd 1771, 1774 ¶ 14 (1995).

<sup>14</sup> See *USAC HC01 – High-Cost Support Projected by State by Study Area – First Quarter 2007.xls*, on-line at [http://www.universalservice.org/\("USACHC01"\)](http://www.universalservice.org/().

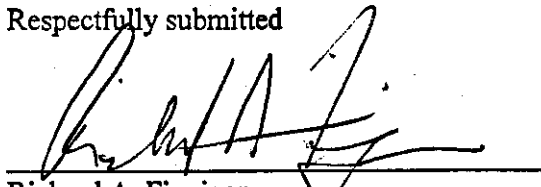


### CONCLUSION

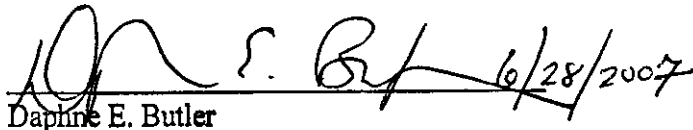
The study area waiver and modification sought herein is a necessary step in order to fulfill the policies for universal service. The immediate request is directly analogous to comparable requests routinely granted by the Commission. Therefore, good cause having been shown, Petitioners respectfully request that this Joint Petition be granted on an expedited basis.

DATED this 21<sup>st</sup> day of June, 2007.

Respectfully submitted



Richard A. Finnigan  
Attorney for Beaver Creek Cooperative Telephone Company  
2112 Black Lake Blvd SW  
Olympia, WA 98512  
(360) 956-7001



Daphne E. Butler  
Attorney for Qwest Corporation  
607 14<sup>th</sup> Street, NW, Suite 950  
Washington, D.C. 20005  
(303) 383-6653

**EXHIBIT 1**

The area to be transferred is southeast of Oregon City. It is located along Beaver Creek Road approximately 2.5 miles southeast of the intersection of Beaver Creek Road and Highway 213.

The area to be transferred includes the north half of Section 15, T3S, R2E, plus a rectangle in the northeast corner of Section 16, measuring 284 feet east-to-west by 1,480 feet north-to-south.

The area includes the Fairway Downs housing development.

**EXHIBIT 2**

CC-Don, Shelia, Kathy  
LL

ORDER NO. 97-297

ENTERED AUG 06 1997

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

UA 55



In the Matter of the Application of U S WEST )  
Communications, Inc., for an Order )  
Transferring Right to Exclusively Served )  
Territory to Beaver Creek Cooperative )  
Telephone Company. )

ORDER

DISPOSITION: PETITION APPROVED.

On April 25, 1997, U S WEST Communications, Inc., (USWC) filed an application for an order authorizing it to transfer approximately one-half square mile of allocated territory to Beaver Creek Cooperative Telephone Company (Beaver Creek). Beaver Creek has petitioned to have that territory allocated to it. The territory would be transferred from USWC's Oregon City exchange to Beaver Creek's Beavercreek exchange. Beaver Creek has been serving customers in the area to be transferred since July 14, 1995. USWC has no customers in the area. The area to be transferred may generally be described as follows:

The area to be transferred is southeast of Oregon City. It is located along Beaver Creek Road approximately 2.5 miles southeast of the intersection of Beaver Creek Road and Highway 213. The area to be transferred includes the north half of Section 15, T3S, R2E, plus a rectangle in the northeast corner of Section 16, measuring 284 feet east-to-west by 1480 feet north-to-south. The area includes the Fairway Downs housing development.

Attachment A to this order is a revised metes and bounds description of the Beaver Creek exchange after the transfer. Attachment B to this order is a metes and bounds description of the Oregon City exchange after the transfer. The companies will file revised exchange maps reflecting the revised exchanges.

The Commission published a notice of the petition pursuant to ORS 758.420. No request for a hearing was filed. PUC Staff filed a report supporting the petition based on

its conclusion that it is more efficient for Beaver Creek to serve the area, as it has been doing, than for USWC to serve the area.

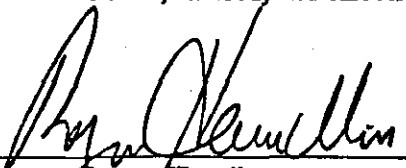
Based on the application and Staff's report, the Commission concludes that the agreement will promote the efficient and economic use and development of the utility systems of the parties to the agreement, while providing adequate and reasonable service to the territories and customers affected by the agreement. The agreement should be approved.

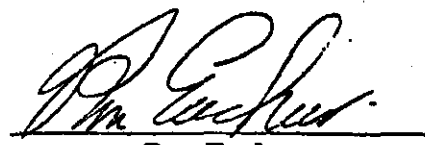
### ORDER

IT IS ORDERED that:

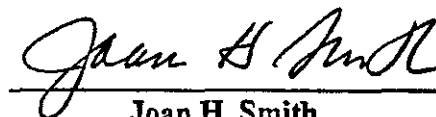
1. The applications of Beaver Creek Cooperative Telephone Company and U S WEST Communications, Inc., for allocation of service territories and amendment of service boundaries are approved.
2. The area described in this order is allocated for service to Beaver Creek.
3. Beaver Creek shall amend its service boundary to include the area described in this order.
4. Beaver Creek and USWC shall file revised signed and dated exchange maps which reflect the new, revised exchanges.

Made, entered, and effective AUG 06 1997

  
Roger Hamilton  
Chairman

  
Ron Eachus  
Commissioner



  
Joan H. Smith  
Commissioner

A party may request rehearing or reconsideration of this order within 60 days from the date of service pursuant to ORS 756.561. A party may appeal this order pursuant to ORS 756.580.

n:\scott\ua55ord

## BEAVER CREEK COOPERATIVE TELEPHONE COMPANY

## Metes and Bounds Description

MAY 1997

Beginning at the SW corner of Section 8, T4S, R2E, W. M.; thence North to the West quarter corner of Section 5, T4S, R2E; thence West to the internal quarter corner of Section 6, T4S, R2E; thence North to the NW corner of the SW quarter of the SE quarter of Section 31, T3S, R2E; thence East to the NE corner of the SE quarter of the SE quarter of said Section 31; thence North to the West quarter corner of Section 32, T3S, R2E; thence East to the East line of the West half of the West half of said Section 32; thence North along said East line to a point 660 feet North of the South line of Section 29, T3S, R2E; thence East along a line 660 feet North of and parallel to the South line of said Section 29 to its intersection with the North-South center line of Section 29; thence North along the center of said Section, through the center of Section 20; thence continuing North to the NW corner of the SW quarter of the SE quarter of Section 17, T3S, R2E; thence East to the NE corner of the SW quarter of the SW quarter of Section 16, T3S, R2E; thence South to a point on the East line of the West half of the West half of Section 21, T3S, R2E, 2,000 feet South of the North line of said Section 21; thence East to the East line of Section 21, 2,000 feet South of the NE corner of said Section 21; thence North along the East line of said Section 21 and extension thereof to a point 153.15 feet North of the NW corner of plat Henrici Terrace No. 3 1341; thence West 284.36 feet; thence North 1480.46 feet to the North line of Sec. 16, T.3 S, R.2 E; thence East along the North line of said section 16 to the NE corner of said Section 16; thence East to the SW corner of Section 11, T3S, R2E; thence North along the West line of said Section 11 to the West Quarter corner of said Section 11; thence East to the East quarter corner of said Section 11; thence South along the East section lines of said Section 11 and Section 14, said TWP. & RG. to a point 428 feet South from the NW corner of Section 13, said TWP. & RG. to the North property line of Assessor's Tax Lot #1700; thence

East 344.25 feet to the NE corner of said T. L. 1700; thence South  $4^{\circ}42'$  West, 593.55 feet to the SE corner of said T. L. 1700; thence South to the center line of Henrici Road; thence Southwesterly along said center line to the extension of the center line of Seal Court; thence Southeasterly along the center line of Seal Court to an extension of the South boundary of T. L. 2000; thence West along said boundary to the West boundary of said Section 13; thence South along said West boundary to the Southwest corner of said Section 13, T3S, R2E; thence East to the SE corner of said Section 13, T3S, R2E; thence South along the West line of Section 19, T3S, R3E, to its intersection with the center of Abernathy Creek; thence generally East, then Southeasterly along the center of said creek to its intersection with the East line of Section 30, T3S, R3E; thence South to the NE corner of Section 31, T3S, R3E; thence East along Section lines and extensions thereof to the NW corner of Section 34, T3S, R3E; thence North to the West quarter corner of Section 27, T3S, R3E; thence East to the East quarter corner of said Section 27; thence South to the NW corner of Section 35, T3S, R3E; thence East to the North quarter corner of said Section 35; thence South to a point 200 feet South of the North quarter corner of Section 2, T4S, R3E; thence East along a line 200 feet South of the North line of said Section 2, to its intersection with the East line of said Section 2, T4S, R3E; thence South along the East line of said Section to its intersection with the North line of the South half of the Southwest quarter of Section 1, T4S, R3E; thence east to the North-South center line of said Section 1; thence South to the South quarter corner of said Section 1; thence East to the NE corner of Section 12, T4S, R3E; thence South to the SE corner of said Section 12; thence West to the SE corner of Section 11, T4S, R3E; thence South to the SE corner of Section 14, T4S, R3E; thence West to the South quarter corner of Section 15, T4S, R3E; thence South to the South quarter corner of Section 27, T4S, R3E; thence West along the Section lines and extensions thereof to the SW corner of the SE quarter of the SE quarter of Section 29, T4S, R3E; thence North to the NW corner of the SE quarter of the SE quarter; thence West to the NE corner of the SW quarter of the SW quarter; thence South to the SE corner of the SW quarter of the SW quarter, all in Section 29, T4S, R3E; thence West along the South line of said Section 29 to the NE corner of Section 31, T4S, R3E; thence South to the East quarter corner of said Section 31; thence West to the center of said



Section 31; thence South to the SE corner of the NE quarter of the SW quarter of said Section 31; thence West to the SW corner of the NW quarter of the SE quarter of Section 36, T4S, R2E; thence North to the South quarter corner of Section 25, T4S, R2E; thence West to the Southeast corner of Section 26, T4S, R2E; thence North along the East boundary of said Section 26 for a distance of 1,190 feet; thence West along a line 1,190 feet North of and parallel to the South line of said Section 26 to its intersection with the East line of the West half of the West half of said Section 26; thence North to the SW corner of the SE quarter of the NW quarter of Section 26, T4S, R2E; thence West along the East-West center line of Sections 26 and 27 to its intersection with the center of Milk Creek in Section 27, T4S, R2E; thence generally Northwesterly along the center of said creek to its intersection with the North-South center line of Section 27, T4S, R2E; thence North to the internal quarter corner of Section 22, T4S, R2E; thence East to the West quarter corner of Section 23, T4S, R2E; thence North to the SE corner of the NE quarter of the NE quarter of Section 15, T4S, R2E; thence West to the SE corner of the NE quarter of the NE quarter of Section 16, T4S, R2E; thence North to the NE corner of said Section 16; thence West to the SW corner of Section 8, T4S, R2E, W. M., the point of beginning.

*Description of Boundaries of Territory  
Assigned to U S WEST Communications  
in Clackamas County, Oregon*

*Oregon City Exchange*

Beginning at a point, the NW corner of Section 3, T3S, R1E, thence east along the north line of Section 3, T3S, R1E, to a point of intersection between the north line of said Section 3 and the mid-channel line of the Tualatin River; thence northerly along the mid-channel line of the Tualatin River to a point of intersection with the west line of Section 34, T2S, R1E; thence north along the west line of Sections 34, 27, and 22, T2S, R1E, to a point of intersection with a line 440' south of and parallel to the south Right-of-way line of Wilda Street; thence easterly along a line 440' south of and parallel to the south Right-of-way line of Wilda Street, to the center line of Rosemont Road; thence north-easterly along a line perpendicular to the center line of Rosemont Road, to a point of intersection with a line 200' northeast of and parallel to the northeast Right-of-way line of Rosemont Road; thence south-easterly along a line 200' northeast Right-of-way line of Rosemont Road to the east-west 1/4 section of Section 22, T2S, R1E; thence east along the east-west 1/4 section line of Sections 22, 23, and 24, T2S, R1E, the mid-channel line of the Willamette River; thence southerly along the mid-channel line of the Willamette River to a point of intersection with a line 250' northwest of and parallel to the northwest Right-of-way line of Meldrum Avenue; thence north-easterly along a line 250' northwest of and parallel to the northwest Right-of-way line of Meldrum Avenue, to the center line of Abernethy Avenue; thence north-westerly along the center line of Abernethy Avenue, to a point of intersection with a line 250' south of and parallel to the south Right-of-way line of Hull Avenue; thence north-easterly along a line 250' south of and parallel to the south Right-of-way line of Hull Avenue to a point of intersection with a line 250' west of and parallel to the west Right-way-line of Portland Avenue; thence south-easterly along a line 250' west of and parallel to the west Right-of-way line of Portland Avenue to a point of intersection with a line 150' north of and parallel to the north Right-of-way line to

Glen Echo Avenue; thence north-westerly along a line 150' north of and parallel to the north Right-of-way line of Glen Echo Avenue, to a point of intersection with the west Right-of-way line of Portland Avenue; thence north-westerly along the west Right-of-way line of Portland Avenue to a point of intersection with a line 250' south of and parallel to the south Right-of-way line of Caldwell Road; thence north-easterly along a line 250' south of and parallel to the south Right-of-way line of Caldwell Road to a point of intersection with a line 250' east of and parallel to the east Right way line of Oatfield Road; thence north-westerly along a line 250' east of and parallel to the east Right-of-way line of Oatfield Road, to a point of intersection with a line 500' south of and parallel to the south Right-of-way line of Jennings Avenue; thence north-easterly along a line 500' south of and parallel to the south Right-of-way line of Jennings Avenue, to a point of intersection with a line 500' east of and parallel to the east Right-of-way line of Webster Road; thence northerly along a line 500' east of and parallel to the east Right-of-way line of Webster Road, to a point of intersection with a line 640' east of the east Right-of-way line of Webster Road, as measured along the north Right-of-way line of Wise Road; thence north along said line 640' east of the east Right-of-way line of Webster Road as measured along the north Right-of-way line of Wise Road, said line being parallel to the east line of Section 8, T2S, R2E, to the north line of said Section 8; thence east along the north line of Sections 8, 9, and 10, T2S, R2E, to a point of intersection between the north line of said Section 10 and the crest of the bluff on the south side of Mt. Talbert, said point of intersection being located near the east line of Mather Road; thence south-easterly along the crest of the bluff on the south side of Mt. Talbert, to a point of intersection between the crest of said bluff and a point 750' west of the east line of Section 11, T2S, R2E; thence south along a line 750' west of and parallel to the east line of Section 11, T2S, R2E, to a point of intersection with the mid-channel line of the Clackamas River; thence south-westerly along the mid-channel line of the Clackamas River, to a point of intersection between the mid-channel line of the Clackamas River and the north-south 1/4 section line of Section 14, T2S, R2E; thence south along the north-south 1/4 section line

of Section 14, T2S, R2E, to the NW corner of the SW 1/4 of the SE 1/4 of said Section 14; thence easterly along the south 1/16 line of Section 14, T2S, R2E, to the NE corner of the SE 1/4 of the SE 1/4 of said Section 14; thence northerly along the east line of Section 14; thence easterly along the north line of the S 1/2 of the NW 1/4 of the SW 1/4 of Section 13, T2S, R2E, to the NE corner of the SE 1/4 of the NW 1/4 of the SW 1/4 of said Section 13; thence southerly along the west 1/16 line of Section 13, T2S, R2E, to a point of intersection between the west 1/16 line of said Section 13 and the west line of the Horace Baker DLC #68; thence southerly along the west line of the Horace Baker DLC #68, to a point of intersection between the west line of the Horace Baker DLC #68 and the north boundary line of the Tip Top Subdivision; thence easterly along the north boundary line of the Tip Top Subdivision and a tract of land designated as tax lot 200 in Section 24, T2S, R2E, to the NE corner of said tax lot 200; thence southerly along the east boundary line of tax lot 200 in Section 24, T2S, R2E, to a point of intersection with a line 550' south of the north line of Section 24, T2S, R2E; thence west along a line 550' south of and parallel to the north line of Section 24, T2S, R2E, to a point of intersection with the north-south 1/4 section line of said Section 24; thence south along the north-south 1/4 section line of Section 24, T2S, R2E, to a point of intersection with the center line of Forsythe Road (Gronlund Road - C.R. #1071); thence west along a line perpendicular to the north-south 1/4 section line of Section 24, T2S, R2E, to a point of intersection with the east boundary line of the first addition to Outlook Subdivision; thence southerly along the east boundary line of the first addition to Outlook Subdivision, to a point of intersection with the east-west 1/4 section line of Section 24, T2S, R2E; thence east along the east-west 1/4 section line of Section 24, T2S, R2E, to the center point of said Section 24; thence south along the north-south 1/4 section line of Section 24, T2S, R2E, to the NE corner of the SE 1/4 of the SW 1/4 of said Section 24; thence west along the south 1/16 line of Sections 24 and 23, T2S, R2E, to the NW corner of the SW 1/4 of the SE 1/4 of said Section 23; thence south along the north-south 1/4 section line of Sections 23 and 26, T2S, R2E, to the NE corner of the tax lot 1300 (Lot 3) in said

Section 26; thence westerly along the north line of tax lot 1300 (Lot 3) in Section 26, T2S, R2E, to the NW corner of said tax lot 1300; thence southerly along the west boundary of tax lot 1300 (Lot 3) in Section 26, T2S, R2E, to the SW corner of said tax lot 1300; thence west along the south line of Sections 26, 27, and 28, T2S, R2E, to the SE corner of the SW 1/4 of said Section 28; thence south along the north-south 1/4 section line of Section 33, T2S, R2E, to a point of intersection with the mid-channel line of Abernethy Creek; thence south-easterly along the mid-channel line of Abernethy Creek, to a point of intersection with the north-south 1/4 section line of Section 2, T3S, R2E; thence south along the north-south 1/4 section line of Sections 2 and 11, T3S, R2E, to the center point of said Section 11; thence west along the east-west 1/4 section line of Section 11, T3S, R2E, to the NW corner of the SW 1/4 of said Section 11; thence south along the west line of Section 11 to the SW corner of Section 11; thence west along north line of Sections 15 and 16 to a point 284.36 feet west of the east line of Section 16; thence south 1480.46 feet; thence east 284.36 feet to the east line of Section 16; thence south along the east line of Sections 16 and 21, T3S, R2E, to a point 2000 feet south of the north line of Section 21; thence west along a line 2000 feet south of and parallel to the north line of Section 21, T3S, R2E, to a point of intersection with the west 1/16 line of said Section 21; thence north along the west 1/16 line of Sections 21 and 16, T3S, R2E, to the NE corner of the SW 1/4 of the SW 1/4 of said Section 16; thence west along the south 1/16 line of Sections 16 and 17, T3S, R2E, to the NW corner of the SW 1/4 of the SE 1/4 of said Section 17; thence south along the north-south 1/4 section line of Sections 17, 20, and 29, T3S, R2E, to the center point of said Section 29; thence west along the east-west 1/4 section line of Sections 29 and 30, T3S, R2E, to the SW corner of the NW 1/4 of said Section 30; thence north along the west line of Sections 30 and 19, T3S, R2E, to the NW corner of the SW 1/4 of the SW 1/4 of said Section 19; thence west along the south 1/16 line of Sections 24 and 23, T3S, R1E, to a point of intersection with the mid-channel line of Parrot Creek; thence north-westerly along the mid-channel line of Parrott Creek, to a point of intersection with the north-south 1/4 section line of Section 23, T3S, R1E; thence


north along the north-south 1/4 section line of Sections 23 and 14, T3S, R1E, to the center point of said Section 14; thence west along the east-west 1/4 section line of Sections 14 and 15, T3S, R1E, to a point of intersection with the mid-channel line of the Willamette River, thence southerly and westerly along the mid-channel line of the Willamette River, to a point of intersection between with the west line of Section 21, T3S, R1E; thence north along the west line of Sections 21, 16 and 9, T3S, R1E, to the NW corner of the SW 1/4 of the NW 1/4 of said Section 9; thence east along the north 1/16 line of Section 9, T3S, R1E, to the NE corner of the SE 1/4 of the NW 1/4 of said Section 9; thence north along the north-south 1/4 section line of Section 9, T3S, R1E, to the NW corner of the NW 1/4 of the NE 1/4 of said Section 9, thence east along the north line of Section 9, T3S, R1E, to the NE corner of said Section 9; thence north along the west line of Section 3, T3S, R1E, to the NW corner of said Section 3, the point of beginning.

## CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused a copy of the foregoing **JOINT PETITION FOR EXPEDITED WAIVER** to be hand delivered on June 29, 2007 to the parties listed below.\*

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Room TW B-204  
445 12<sup>th</sup> Street, N.W.  
Washington, DC 20554

Best Copy and Printing, Inc.  
Room CY-B402  
445 12<sup>th</sup> Street, N.W.  
Washington, DC 20554

  
Richard Grozier

June 28, 2007

\* The original Joint Petition for Expedited Waiver, and the associated filing fee and Form 159, were transmitted on June 28, 2007 via overnight delivery to the Mellon Bank in Pittsburgh for filing with the FCC on June 29, 2007.